

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILLIPS FEED SERVICE, INC.	:	
d/b/a	:	
PHILLIPS FEED AND PET SUPPLY,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:22-cv-01393-JMG
	:	
FRESHPET, INC., <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 14th day of March, 2025, upon consideration of Plaintiff's Motion for Partial Summary Judgment (ECF No. 59), Defendants' Response in Opposition to Plaintiff's Motion for Partial Summary Judgment (ECF No. 75), and Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment (ECF No. 78),

IT IS HEREBY ORDERED that Plaintiff's Motion for Partial Summary Judgment (ECF No. 59) is **GRANTED in part** as to Count I.

IT IS FURTHER ORDERED that Count II is **DISMISSED**.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge